

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

TA No. 398 of 2019 (O&M)

Date of decision : 4.10.2019

Baljeet Rani

...

.....Applicant

vs.

Sandeep Kumar

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Applicant in person with Mr. Kulwant Singh, Advocate

Respondent in person with Mr. Sandeep Bansal, Advocate

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H. S. Madaan, J. (Oral)

Efforts for amicable settlement made but those have not proved to be successful. Let the case proceed further on merits.

Applicant – Baljeet Rani, aged about 30 years, estranged wife of Sandeep Kumar, presently residing with her parents at Ludhiana, on account of matrimonial discord between the parties, by way of filing present application under Section 24 CPC, seeks transfer of divorce petition, filed by her husband, who is respondent in the present application, against her, having title 'Sandeep Kumar vs. Baljeet Rani' pending in the Court of District Judge, Hoshiarpur, to a Court of competent jurisdiction at Ludhiana.

As per version of the applicant, the marriage solemnized between the parties on 5.11.2015 at Ludhiana, ran into rough weather,

though the couple was blessed with a son, born on 19.4.2017, who is in custody of the applicant. The applicant was harassed and maltreated and ultimately turned out of her matrimonial home on 11.10.2017. Since then she alongwith minor son of the parties is residing with her parents at Ludhiana. She does not have any source of income and she is fully dependent upon her parents. She has filed a petition under Section 125 Cr.P.C. against the respondent claiming maintenance for herself as well as for her minor son, namely, Gurhan. Respondent has put in appearance there. She has further filed a petition under Section 12 read with Sections 18, 19 (8), 20 and 23 (d), 21, 22 and 23 of the Protection of Women from Domestic Violence Act, against the respondent and his family members in the Court at Ludhiana. Just to cause harassment and inconvenience to the applicant, the respondent has filed the divorce petition in the Court at Hoshiarpur. Under the circumstances, it is difficult for the applicant to travel from Ludhiana to Hoshiarpur, to attend the dates of hearing in Court there, covering a distance of about 80 kms on one side. Therefore the application be accepted.

Notice of the application was given to the respondent, who was duly served and has put in appearance through counsel, opposing the application vehemently, praying for its dismissal.

I have heard learned counsel for the parties, besides going through the record.

The Apex Court in various judgments has observed that in matrimonial disputes between the spouses convenience of wife should be looked into. In that regard a reference can be made to

authority **Sumita Singh Versus Kumar Sanjay and another, 2002 AIR(SC) 396** by a Division Bench of Hon'ble Supreme Court.

In **Bhartiben Ravibhai Rav Versus Ravibhai Govindbhai Rav, 2017(3) RCR(Civil) 369**, the Apex Court had allowed application for transfer of the divorce petition to a place where the wife was residing considering various factors including the distance between the place where the wife was residing and the place of sitting of the Court where divorce petition had been instituted and the fact that the wife had filed two cases against her husband in the Court at the place of her residence wherein the respondent had already put in appearance.

In **Apurva Versus Navtej Singh, 2017(2) Law Herald 966** by a Co-ordinate Bench of this Court, it was observed that wherever the Courts are called upon to consider the plea of transfer in matrimonial disputes, the Courts have to take into consideration various factors like economic soundness of either of the parties, the social strata of the spouses to which they belong and behavioural pattern, standard of life antecedents of marriage. Generally it is the wife's convenience, which must be looked at by the Courts while deciding the transfer application.

Keeping in view the contentions in the application and submissions made by learned counsel for the applicant, I find that ends of justice demand that the application be allowed.

Accordingly, the application is accepted. The petition in question pending in the court of District Judge, Hoshiarpur, is withdrawn from that Court and transferred to the Family Court,

Ludhiana, for disposal in accordance with law. Parties through counsel are directed to appear there on 29.10.2019.

A copy of the order be sent to the Courts concerned, for information and necessary compliance.

4.10.2019
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(H.S. Madaan)
Judge

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No